

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Action No:
Date Purchased:
SUMMONS

-----X
RENATO VELATI AND YOLANDA VELATI

Plaintiffs,

The basis of venue is:
Place of Occurrence

- against -

UNITED STATES OF AMERICA, UNITED STATES
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND JACOB K. JAVITS FEDERAL
BUILDING,

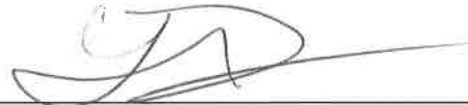
Plaintiff resides at:
1016 Arthur Kill Road
Staten Island, NY 10312
County of Richmond

Defendants.
-----X

To the above named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Staten Island, New York
October 4, 2021



Glen Devora, Esq.
JONATHAN D'AGOSTINO & ASSOCIATES, P.C.
Attorneys for Plaintiff
3309 Richmond Avenue
Staten Island, New York 10312
718-967-1600
Our File No. Q24521-C201707

TO: UNITED STATES OF AMERICA
c/o United States Attorney for the
Eastern District
Bridget M. Rohde
271 Cadman Plaza East
Brooklyn NY 11201

UNITED STATES OF AMERICA
c/o U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
451 7TH Street, S.W.
Washington, DC 20410

JACOB K. JAVITS FEDERAL BUILDING
26 Federal Plaza, Suite 3541
New York, New York 10028

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RENATO VELATI AND YOLANDA VELATI,

Plaintiffs,

- against -

UNITED STATES OF AMERICA, UNITED STATES
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND JACOB K. JAVITS FEDERAL
BUILDING,

Defendants.
-----X

Civil Action No.:

Date Purchased:

VERIFIED COMPLAINT

This is an action filed by the plaintiffs to recover money damages for personal injuries sustained by reason of the negligence of the defendants. The plaintiffs request a trial by jury.

1. That at all times hereinafter alleged, the plaintiffs resided at 1016 Arthur Kill Road, Staten Island, New York and are residents of the United States.

2. That all times hereinafter alleged, the plaintiffs, resided in the Eastern District of New York.

3. That at all times hereinafter alleged, the defendant, UNITED STATES OF AMERICA, was and still is, a federal governmental agency, which must come under the provision of the Federal Court Claim Act.

4. That at all times hereinafter alleged, the defendant, UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, was, and still is, a federal governmental agency, which must come under the provision of the Federal Court Claim Act.

5. That at all times hereinafter alleged, the defendant, JACOB K. JAVITS FEDERAL BUILDING, was, and still is, a federal government agency, which must come under the provision of the Federal Court Claim Act.

6. That heretofore, and on or about July 17, 2020 at about 09:00 a.m., the plaintiff, Renato Velati, was a pedestrian at the Jacob K. Javits Federal Building, located at 26 Federal Plaza, in the county of New York, State of New York, when he was caused to slip and fall on a wet/slippy substance on the floor inside the bathroom on the 41st floor of the aforesaid federal building..

7. That in accordance with 28 USC Section 240(1)(b) and 39 CFR 912.9(a) the plaintiff is dissatisfied with the denial of the administrative claim brought against the UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND JACOB K. JAVITS FEDERAL BUILDING for the injuries he sustained. That there is jurisdiction in the Federal District Court pursuant to 28 USC Section 2401.

8. That in accordance with 28 USC Section 2401(b) and 39 CFR 912.9(a), this claim is being presented within two years after such claim accrued. That there is jurisdiction in the Federal District Court pursuant to 28 USC Section 2401.

9. That at all times hereinafter alleged, the United States Attorney for the Eastern District, is authorized to accept process of this case. And by also sending a copy of the summons and complaint via certified mail return receipt requested to the Attorney General of the United States, at Washington, D.C. and by also sending a copy of the summons and complaint via certified mail return receipt requested to the officer or agency.

10. That attached hereto is a true copy of the Claim for Damage, Injury or Death with respect to the above matter.

AND AS FOR A FIRST CAUSE OF ACTION

11. That on or about July 15, 2021, defendant, United States of America, by and through its agents, the United States Department of Housing and Urban Development , acknowledged the receipt of plaintiff's claim for damages.

12. That within six months of the time plaintiff received a denial, this action is being instituted, and/or a denial has not been issued.

13. That at all times hereinafter alleged, Defendant UNITED STATES OF AMERICA was the owner of 26 Federal Plaza, in the County of New York, State of New York.

14. That at all times hereinafter alleged, Defendant UNITED STATES OF AMERICA operated the aforesaid premises.

15. That at all times hereinafter alleged, Defendant UNITED STATES OF AMERICA managed the aforesaid premises.

16. That at all times hereinafter alleged, Defendant UNITED STATES OF AMERICA maintained the aforesaid premises.

17. That at all times hereinafter alleged, Defendant UNITED STATES OF AMERICA controlled the aforesaid premises.

18. That at all times hereinafter alleged, Defendant UNITED STATES OF AMERICA repaired the aforesaid premises.

19. That at all times hereinafter alleged, Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT was the owner of 26 Federal Plaza, in the County of New York, State of New York.

20. That at all times hereinafter alleged, Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT operated the aforesaid premises.

21. That at all times hereinafter alleged, Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT managed the aforesaid premises.

22. That at all times hereinafter alleged, Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT maintained the aforesaid premises.

23. That at all times hereinafter alleged, Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT controlled the aforesaid premises.

24. That at all times hereinafter alleged, Defendant UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT repaired the aforesaid premises.

25. That at all times hereinafter alleged, Defendant JACOB K. JAVITS FEDERAL BUILDING was the owner of 26 Federal Plaza, in the County of New York, State of New York.

26. That at all times hereinafter alleged, Defendant JACOB K. JAVITS FEDERAL BUILDING operated the aforesaid premises.

27. That at all times hereinafter alleged, Defendant JACOB K. JAVITS FEDERAL BUILDING managed the aforesaid premises.

28. That at all times hereinafter alleged, Defendant JACOB K. JAVITS FEDERAL BUILDING maintained the aforesaid premises.

29. That at all times hereinafter alleged, Defendant JACOB K. JAVITS FEDERAL BUILDING controlled the aforesaid premises.

30. That at all times hereinafter alleged, Defendant JACOB K. JAVITS FEDERAL BUILDING repaired the aforesaid premises.

31. That on July 17, 2020 while Plaintiff RENATO VELATI, was lawfully at the aforesaid premises, when he was caused to slip and fall and sustain severe and permanent injuries.

32. The above mentioned occurrence, and the results thereof, were caused by the negligence of the Defendants and/or said Defendants' agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises.

33. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

34. That by reason of the foregoing, Plaintiff RENATO VELATI, was caused to sustain serious injuries and to have suffered pain, that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention, and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

35. That by reason of the foregoing, Plaintiff RENATO VELATI, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

36. That the plaintiff sustained damage to her body and person in an amount not to exceed FIVE MILLION AND 00/100 (\$5,000,000.00) DOLLARS.

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF YOLANDA VELATI**

37. Plaintiff YOLANDA VELATI, repeats, reiterates and realleges each and every allegation contained in the First Cause of Action with the same force and effect as though fully set forth herein at length.

38. That at all times hereinafter mentioned, Plaintiff YOLANDA VELATI was the spouse of the Plaintiff RENATO VELATI and as such was entitled to the society, services and consortium of her spouse, RENATO VELATI.

39. That by reason of the foregoing, Plaintiff YOLANDA VELATI was deprived of the society,

services and consortium of the Plaintiff RENATO VELATI and shall be deprived of said society, services and consortium.

40. That by reason of the foregoing, Plaintiff YOLANDA VELATI was damaged in a sum which not to exceed FIVE HUNDRED THOUSAND AND 00/100 (\$500,000.00) DOLLARS.

WHEREFORE, Plaintiff demands judgment against the Defendants herein, in an amount not to exceed FIVE MILLION FIVE HUNDRED THOUSAND (\$5,500,000.00), DOLLARS together with the costs and disbursements of this action, reasonable attorneys fees or as the law shall provide at the time of the rendition of the verdict.

Dated: Staten Island, New York
October __, 2021



Glen Devora, Esq.
JONATHAN D'AGOSTINO & ASSOCIATES, P.C.
Attorneys for Plaintiffs
3309 Richmond Avenue
Staten Island, New York 10312
718-967-1600
Our File No. Q24521-C201707

PLAINTIFF'S VERIFICATION

STATE OF NEW YORK

ss:

COUNTY OF RICHMOND

RENATO VELATI, being duly sworn, says:

I am the Plaintiff in the action herein: I have read the annexed **COMPLAINT** and know the contents thereof; and the same is true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records and other pertinent information contained in my personal files.


RENATO VELATI

Sworn to before me this
7 day of October 2021


Notary Public

JOSEPH MIGLIONICO
Commissioner of Deeds
City of New York - No. 5-1807
Qualified in Richmond County
Commission Expires June 1, 2023

PLAINTIFF'S VERIFICATION

STATE OF NEW YORK

ss:

COUNTY OF RICHMOND

YOLANDA VELATI, being duly sworn, says:

I am the Plaintiff in the action herein: I have read the annexed **COMPLAINT** and know the contents thereof; and the same is true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records and other pertinent information contained in my personal files.


YOLANDA VELATI

Sworn to before me this
7 day of October 2021


Notary Public

JOSEPH MIGLIONICO
Commissioner of Deeds
City of New York - No. 5-1807
Qualified in Richmond County
Commission Expires June 1, 2022